

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed November 4, 2005. At the time of the Final Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Claim 20 has been amended to advance prosecution of this Application. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. §103**

Claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Uppaluru in view of U.S. Patent No. 6,320,946 issued to Mark J. Enzmann et al. ("Enzmann").

With respect to independent claim 1, Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Three basic criteria must be met to establish a *prima facie* case of obviousness. MPEP § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Applicants respectfully traverse the Section 103(a) rejection of claim 1 because the cited references do not teach or suggest all of the claim limitations. Specifically, the references fail to teach or suggest recognizing IVR (interactive voice response) input from the user to select between a voice call and modemless Internet portal access. The Office Action correctly concedes that Uppaluru does not teach or suggest recognizing input from the user to select between a voice call and Internet portal access.

Supporting the Section 103(a) rejection of independent claim 1, the Office Action asserts that Enzmann teaches recognizing input from the user to select between a voice call and Internet portal access. The Office Action cites the abstract, column 2, lines 6-17, and column 10, lines 23-39 in support of this assertion. Applicants respectfully disagree.

Enzmann does not teach recognizing IVR input to select between a voice call and Internet portal access. The portions of Enzmann cited by the Office Action as teaching this element read:

A payphone or coin-operated telephone that functions as an information transmittal device that dispenses user-selected information audibly to the user via the speaker in the payphone handset. A variety of information is stored in an information storage unit provided within the payphone unit. The information includes frequently-requested information on topics such as, for example, news, weather, sports, financial market reports, local travel information, local telephone yellow pages, etc. The user of the payphone may incur a nominal charge to retrieve the information from the payphone. A processing unit within the payphone or the information storage unit may update the content of the information with the help of an external information server or the Internet. The information server may be located within a telephone company central office and the central office switch may connect the information server to the processing unit in the payphone for desired data transfer. The information is thus directly available from the payphone itself. This allows payphone user to obtain a wide range of information from the payphone without resorting to phone calls to multiple sources of information and without incurring substantial, unnecessary expenses related to such phone calls. (Abstract).

Further improvements in payphones have resulted in payphones with display terminals and/or with facilities to swipe a calling card prior to placing a phone call. A display screen provided as part of the payphone may allow a user to monitor the cost of the phone call, the time spent on the call, the number dialed to reach the called party, the calling card number entered (if applicable), etc. The display screen may also show marketing messages the service provider wants the user to read. A calling card swiping facility relieves the user from entering a calling card number, thereby preventing mistakes that may be made while entering a long account number. (Col. 2, lines 6-17).

Besides providing audible information, the arrangement illustrated in FIG. 3 may also be utilized to provide e-commerce services to the users of the payphone 10. In that event, an option may be displayed on the display screen 22 informing the user about the availability of accessing the Internet 54 via the payphone 10 using, for example, a calling card. (Col. 10, lines 23-29).

Applicants respectfully submit that the cited passages of Enzmann do not teach or suggest recognizing IVR input as a means for selecting between a voice call and a modemless Internet portal access. While the Enzmann pay phone is described as being capable of placing voice calls and functioning as an information transmittal device, there is no teaching of selecting between those two modes of operation using IVR input. Enzmann merely indicates that its pay phone may have a display screen and/or facilities for swiping a calling card prior to placing a call and that an option may be displayed on the display screen informing the user about the availability of accessing the Internet via the payphone using a calling card. Enzmann then describes how a user would perform this selection by swiping the calling card and using a modified keypad suitable for pointing and selecting the Internet option choice from the display screen. Column 10, lines 32-37.

There is nothing in Enzmann indicating that the selection between voice phone call and Internet access is made using IVR input, which is described in Applicants' specification as customer responses that may be entered by touch tone, by voice recognition, TTY, some other type of telephone key pad, or some combination of these. The disclosure of a pay phone that enables the user to "point and click" to an Internet access option on a display screen of the telephone does not teach or suggest using IVR input to select between a voice call and modemless Internet portal access. Accordingly, Applicants respectfully request reconsideration of the Section 103(a) rejection of independent claim 1 and its dependent claims. Analogous arguments apply to the Section 103(a) rejection of independent claim 11 and its dependent claims.

**Rejection under 35 U.S.C. § 102**

Claim 20 stands rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,915,001 issued to Premkumar V. Uppaluru ("Uppaluru"). In response, Applicants have amended claim 20 to recite that the claimed method includes providing means for recognizing IVR input from the user to select between a voice call and modemless Internet portal access. For reasons analogous to those presented above with respect to independent claim 1, Applicants submit that claim 20 as amended is allowable.

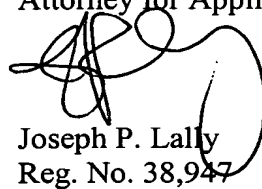
**CONCLUSION**

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all claims as amended.

Applicants enclose a Request for Continued Examination (RCE), and a check in the amount of \$790.00 for the RCE fee. Applicants also enclose a Petition for One Month Extension of Time, and a check in the amount of \$120.00 for the extension fee. Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayments to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2680.

Respectfully submitted,  
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Date: February 16, 2006

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